

Docket No.
XILL-3095

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

METHOD FOR INSERTING A MICRODEVICE OR A NANODEVICE INTO A BODY FLUID STREAM

the specification of which

(check one)

is attached hereto.

was filed on _____ as United States Application No. or PCT International Application Number _____
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

(Application Serial No.)	(Filing Date)
(Application Serial No.)	(Filing Date)
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

Send Correspondence to: **Customer No. 5409**

Direct Telephone Calls to: *(name and telephone number)*
Arlen L. Olsen - (518) 220-1850

Full name of sole or first inventor Julian Van Erlach	Date
Sole or first inventor's signature	
Residence 17-15 Hunt Ridge Drive, Clifton Park, NY 12065	
Citizenship USA	
Post Office Address Same as Residence	

Full name of second inventor, if any Arlen L. Olsen	Date
Second inventor's signature	
Residence 5 Bristol Court, Clifton Park, NY 12065	
Citizenship USA	
Post Office Address Same as Residence	

Full name of third inventor, if any Jeffrey M. Smith	Date
Third inventor's signature	
Residence 601 Dalton Division, Pittsfield, MA 01201	
Citizenship USA	
Post Office Address Same as Residence	

Full name of fourth inventor, if any Laura B. Smith	Date
Fourth inventor's signature	
Residence 601 Dalton Division, Pittsfield, MA 01201	
Citizenship USA	
Post Office Address Same as Residence	

Full name of fifth inventor, if any Gerald E. Bender	Date
Fifth inventor's signature	
Residence 99 Furnace Hill, Cheshire, MA 01225	
Citizenship USA	
Post Office Address Same as Residence	

Full name of sixth inventor, if any Audra L. Stinchcomb	Date
Sixth inventor's signature	
Residence 19 Caroline Street, Latham, NY 12110	
Citizenship USA	
Post Office Address Same as Residence	

Full name of seventh inventor, if any Denis P. Donnelly	
Seventh inventor's signature	Date
Residence 105 Circular Street, Saratoga Springs, NY 12866	
Citizenship USA	
Post Office Address Same as Residence	

Full name of eighth inventor, if any Mark D. Scott	
Eighth inventor's signature	Date
Residence 16 Grant Hill Road, Clifton Park, NY 12065	
Citizenship USA	
Post Office Address Same as Residence	

Full name of ninth inventor, if any James E. Peterson	
Ninth inventor's signature	Date
Residence 22 Ruxton Road, Delmar, NY 12054	
Citizenship USA	
Post Office Address Same as Residence	

Full name of tenth inventor, if any Robert S. Hirsch	
Tenth inventor's signature	Date
Residence 169 River Street, Troy, NY 12180	
Citizenship USA	
Post Office Address Same as Residence	

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) AND 1.27 (b)) - INDEPENDENT INVENTOR**

Docket No.
XILL-3095

Serial No.

Filing Date

Patent No.

Issue Date

Applicant/ **Julian Van Erlach et al.**
Patentee:

Invention: **METHOD FOR INSERTING A MICRODEVICE OR A NANODEVICE INTO A BODY FLUID STREAM**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled above and described in:

- the specification to be filed herewith.
- the application identified above.
- the patent identified above.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- No such person, concern or organization exists.
- Each such person, concern or organization is listed below.

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27)

FULL NAME Xillus, Inc.

ADDRESS 3 Lear Jet Lane, Suite 201, Latham, NY 12110

Individual Small Business Concern Nonprofit Organization

FULL NAME _____

ADDRESS _____

Individual Small Business Concern Nonprofit Organization

FULL NAME _____

ADDRESS _____

Individual Small Business Concern Nonprofit Organization

FULL NAME _____

ADDRESS _____

Individual Small Business Concern Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF INVENTOR	<u>Julian Van Erlach</u>	DATE:	
SIGNATURE OF INVENTOR			
NAME OF INVENTOR	<u>Arlen L. Olsen</u>	DATE:	
SIGNATURE OF INVENTOR			
NAME OF INVENTOR	<u>Jeffrey M. Smith</u>	DATE:	
SIGNATURE OF INVENTOR			
NAME OF INVENTOR	<u>Laura B. Smith</u>	DATE:	
SIGNATURE OF INVENTOR			
NAME OF INVENTOR	<u>Gerald E. Bender</u>	DATE:	
SIGNATURE OF INVENTOR			
NAME OF INVENTOR	<u>Audra L. Stinchcomb</u>	DATE:	
SIGNATURE OF INVENTOR			
NAME OF INVENTOR	<u>Denis P. Donnelly</u>	DATE:	
SIGNATURE OF INVENTOR			
NAME OF INVENTOR	<u>Mark D. Scott</u>	DATE:	
SIGNATURE OF INVENTOR			
NAME OF INVENTOR	<u>James E. Peterson</u>	DATE:	
SIGNATURE OF INVENTOR			
NAME OF INVENTOR	<u>Robert S. Hirsch</u>	DATE:	
SIGNATURE OF INVENTOR			

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) AND 1.27 (c)) - SMALL BUSINESS CONCERN**

Docket No.
XILL-3095

Serial No.

Filing Date

Patent No.

Issue Date

Applicant/ **Julian Van Erlach et al.**

Patentee:

Invention: **METHOD FOR INSERTING A MICRODEVICE OR A NANODEVICE INTO A BODY FLUID STREAM**

I hereby declare that I am:

the owner of the small business concern identified below;
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Xillus, Inc.

ADDRESS OF CONCERN: 3 Lear Jet Lane, Suite 201, Latham, NY 12110

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above identified invention described in:

the specification filed herewith with title as listed above.
 the application identified above.
 the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

no such person, concern or organization exists.
 each such person, concern or organization is listed below.

FULL NAME	<hr/>		
ADDRESS	<hr/>		
	<input type="checkbox"/> Individual	<input type="checkbox"/> Small Business Concern	<input type="checkbox"/> Nonprofit Organization
FULL NAME	<hr/>		
ADDRESS	<hr/>		
	<input type="checkbox"/> Individual	<input type="checkbox"/> Small Business Concern	<input type="checkbox"/> Nonprofit Organization
FULL NAME	<hr/>		
ADDRESS	<hr/>		
	<input type="checkbox"/> Individual	<input type="checkbox"/> Small Business Concern	<input type="checkbox"/> Nonprofit Organization
FULL NAME	<hr/>		
ADDRESS	<hr/>		
	<input type="checkbox"/> Individual	<input type="checkbox"/> Small Business Concern	<input type="checkbox"/> Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:	<u>Arlen L. Olsen</u>
TITLE OF PERSON SIGNING	
OTHER THAN OWNER:	<u>Vice President</u>
ADDRESS OF PERSON SIGNING:	<u>5 Bristol Court</u> <u>Clifton Park, NY 12065</u>

SIGNATURE:



DATE:

11/30/2000